

PATENT

Atty Docket No.: 200300594-1
App. Ser. No.: 10/666,577

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the claim amendments and following remarks. Claims 2, 3, 22, 36-39, and 42 have been deleted without prejudice or disclaimer of the subject matter contained therein. Claim 1, 4-21, 23-35, 40, 41, and 43-45 remain pending, of which claims 1, 20 and 40 are independent.

Claims 1-4, 6-9, and 11-45 were rejected under U.S.C. §102(b) as allegedly being anticipated by Noguchi et al. (US20020073105).

Claim 5 was rejected under U.S.C. §103(a) as allegedly being unpatentable over Noguchi et al. in view of Kellams et al. (5,854,749).

Claim 10 was rejected under U.S.C. §103(a) as allegedly being unpatentable over Noguchi et al. in view of Sedlar (US20050091287).

Drawings

The indication that the drawings submitted on September 22, 2006 have been accepted is noted with appreciation.

Claim Rejection Under 35 U.S.C. §102(b)

The test for determining if a reference anticipates a claim, for purposes of a rejection under 35 U.S.C. § 102, is whether the reference discloses all the elements of the claimed combination, or the mechanical equivalents thereof functioning in substantially the same way to produce substantially the same results. As noted by the Court of Appeals for the Federal Circuit in *Lindemann Maschinenfabrick GmbH v. American Hoist and Derrick Co.*, 221

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USPQ 481, 485 (Fed. Cir. 1984), in evaluating the sufficiency of an anticipation rejection under 35 U.S.C. § 102, the Court stated:

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Therefore, if the cited reference does not disclose each and every element of the claimed invention, then the cited reference fails to anticipate the claimed invention and, thus, the claimed invention is distinguishable over the cited reference.

Claims 1-4, 6-9, and 11-45 were rejected under U.S.C. §102(b) as allegedly being anticipated by Noguchi et al.

Claim 1

Claim 1 has been amended to incorporate the subject matter previously recited in now-cancelled claims 2 and 3. Thus, amended claim 1 is original claim 3 in independent form. The Patent Office (PTO) alleges that claim 3 is anticipated by Noguchi, which discloses the following elements corresponding to the claimed elements:

| <u>Amended Claim 1</u> | <u>Noguchi et al.</u> |
|--------------------------|--|
| First object identifier | File name of a content file |
| First file | Content file |
| File system | Content file recording section 132 |
| Second object identifier | File name of a metadata file 205 |
| Second file | Metadata file 205 |
| Relation identifier | Content/metadata correspondence information recording section 133 |

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Thus, to be consistent in the anticipation of the following claimed language,

“the second object comprises one or more of a second file generated from the first file and meta data generated from the first file,”

it follows that Noguchi et al. must disclose that the metadata file 205 (claimed second file) must be generated from the content file (claimed first file) and the metadata generated from the content file. However, the PTO ignored the claimed “one or more of a second file” because it was allegedly unclear in order to make the aforementioned claimed language fit into a reading of Noguchi et al. for the rejection.

It is respectfully submitted that the aforementioned claimed language is clear and definite, as evidenced by a lack of any rejection of the claim under 35 U.S.C. §112, second paragraph. Furthermore, the claimed language clearly indicates that the second object comprises “one or more of a second file” in order to differentiate such files of the second object from the [first] file of the first object.

Because Noguchi et al. fails to disclose each and every element of the claimed invention, as evidenced by the PTO’s disregard for one of the claimed elements, it is respectfully submitted that claim 1, as amended, is allowable over the references of record.

Claim 14

Claim 14 has been amended to indicate that the “property semantic information [for the first object] including statistical information for the first object.” It is respectfully submitted that Noguchi et al. fails to disclose such claimed features, as evidenced from a reading of Noguchi et al. and a lack of citation in Noguchi et al. by the PTO to indicate where such claimed features can be found.

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Claim 15

It is respectfully submitted that Noguchi et al. fails to disclose the features recited in this claim, as evidence from a reading of Noguchi et al. and a lack of citation in Noguchi et al. by the PTO to indicate where such claimed features can be found.

Claim 20

Claim 20 has been amended to include the subject matter found in now-canceled claim 22. Thus, the amended claim 20 is original claim 22 in independent form. It is respectfully submitted that Noguchi et al. fails to disclose the features recited in original claim 22 (now in amended claim 20), as evidence from a reading of Noguchi et al. and a lack of citation in Noguchi et al. by the PTO to indicate where such claimed features can be found.

Claims 25, 27, 28, and 34

It is respectfully submitted that Noguchi et al. fails to disclose the features recited in these claims, as evidence from a reading of Noguchi et al. and a lack of citation in Noguchi et al. by the PTO to indicate where such claimed features can be found.

Claim 40

Claim 40 has been amended to include the subject matter found in now-canceled claim 42. Thus, the amended claim 40 is original claim 42 in independent form. It is respectfully submitted that Noguchi et al. fails to disclose the features recited in original claim 42 (now in amended claim 40), as evidence from a reading of Noguchi et al. and a lack

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of citation in Noguchi et al. by the PTO to indicate where such claimed features can be found.

For at least the aforementioned reasons, it is respectfully submitted that pending claims 1, 4-21, 23-35, 40, 41, and 43-45 are allowable over the references of record. Accordingly, withdrawal of the rejection of these claims is respectfully requested.

Claim Rejection Under 35 U.S.C. §103

The test for determining if a claim is rendered obvious by one or more references for purposes of a rejection under 35 U.S.C. § 103 is set forth in MPEP § 706.02(j):

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Therefore, if the above-identified criteria are not met, then the cited reference(s) fails to render obvious the claimed invention and, thus, the claimed invention is distinguishable over the cited reference(s).

Claim 5 was rejected under U.S.C. §103(a) as allegedly being unpatentable over Noguchi et al. in view of Kellams et al. Furthermore, claim 10 was rejected under U.S.C. §103(a) as allegedly being unpatentable over Noguchi et al. in view of Sedlar.

It is respectfully submitted that, for at least the reasons set forth earlier, claims 5 and 10 are not anticipated by Noguchi et al. In addition, the Office Action does not rely upon

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Kellams et al. or Sedlar to make up for the deficiencies in Noguchi et al. with respect to claims 5 and 10. Accordingly, claims 5 and 10 are allowable over the references of record, and withdrawal of the rejections of these claims is requested.

Conclusion

In light of the foregoing, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should the Examiner believe that a telephone conference with the undersigned would assist in resolving any issues pertaining to the allowability of the above-identified application, please contact the undersigned at the telephone number listed below. Please grant any required extensions of time and charge any fees due in connection with this request to deposit account no. 08-2025.

Respectfully submitted,

Dated: July 24, 2006

By


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